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T-725 P.001/013 F-775

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MAY 11 2006

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OUR FILE NO.

NEOME-019A3US

## FACSIMILE COVER SHEET

Date: May 11, 2006

To: Commissioner for Patents  
Alexandria, VA 22313-1450

Facsimile: 571-273-8300

Re: U.S. Patent Application No. 10/560,267  
Int. Patent Application No. PCT/US04/18488  
Inventor(s): Sorensen et al.  
"Tubular Cutter Device and Methods for Cutting and Removing Strips of Tissue from the Body of a Patient"

From: Robert D. Buyan

Total No. of Pages: 13 (including this form). Please notify us immediately if you have not received all pages.

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Attached:  
Response to Notification of Missing Requirements (2 pgs.)  
Copy of Notification of Missing Requirements (2 pgs.)  
Declaration of Inventorship and Limited Power of Attorney (2 pgs.)  
Statement of Ownership (37 CFR 3.73(b)) and Power of Attorney by Assignee (1 pg.)  
Copy of recorded Assignment (5 pgs.)

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Atty. Docket No. NEOME-019A3US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Sorensen et al. )  
U.S. App. No.: 10/560,267 )  
Int. App. No.: PCT/US04/18488 )  
For: Tubular Cutter Device and Methods )  
for Cutting and Removing Strips of )  
Tissue from the Body of a Patient )

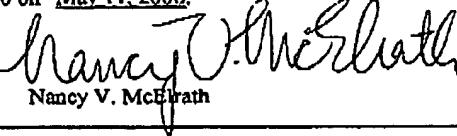
Art Unit: Unassigned

Examiner: Unassigned

**CERTIFICATE OF  
FACSIMILE TRANSMISSION**

I hereby certify that this document is being transmitted by facsimile to the Commissioner for Patents, Alexandria, VA 22313-1450 at (571)273-8300 on May 11, 2006.

By:

  
Nancy V. McElrath**Response to Notification of Missing Requirements  
Transmittal Letter**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) mailed March 15, 2006:

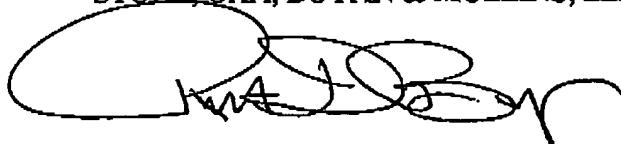
- Enclosed is a copy of the Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (2 pgs.).
- Enclosed is a Declaration of Inventorship and Limited Power of Attorney (2 pgs.).
- Enclosed is a Statement of Ownership (37 CFR 3.73(b)) and Power of Attorney by Assignee (1 pg.).
- Enclosed is a copy of the recorded Assignment (5 pgs.).
- Applicant hereby claims small entity status.

App. No. 10/560,267  
Response to Notification of Missing Requirements  
Page 2

- The Commissioner is hereby authorized to charge the surcharge in the total amount of \$65 and any underpayment or credit any overpayment of the filing fees required under 37 CFR § 1.16 and any patent application processing fees required under 37 CFR 1.17 to Deposit Account No.50-0878.

Respectfully submitted,

STOUT, UXA, BUYAN & MULLINS, LLP



Date: May 11, 2006

Robert D. Buyan, Reg. No. 32,460

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/560,267	John T Sorensen	NEOME-019A3US
INTERNATIONAL APPLICATION NO.		
PCT/US04/18488		
I.A. FILING DATE	PRIORITY DATE	
06/10/2004	06/10/2003	

Robert D Buyan  
 Stout Uxa Buyan & Mullins  
 4 Venture Suite 300  
 Irvine, CA 92618

3/22/06  
 C/S

**CONFIRMATION NO. 3476**

**371 FORMALITIES LETTER**



\*OC000000018267654\*

Date Mailed: 03/15/2006

*Response Due 5/15/06*

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IBS to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 12/09/2005
- Copy of the International Search Report filed on 12/09/2005
- U.S. Basic National Fees filed on 12/09/2005
- Priority Documents filed on 12/09/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

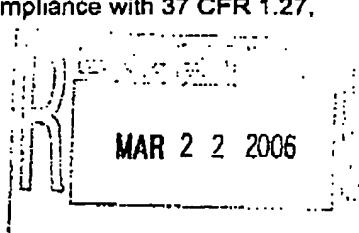
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

**SUMMARY OF FEES DUE:**

Total additional fees required for this application is \$65 for a Small Entity:

- \$65 Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION,**



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**WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice MUST be returned with the response.*

INDIA L EVANS

Telephone: (703) 308-9140 EXT 212

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/560,267	PCT/US04/18488	NEOME-019A3US

FORM PCT/DO/EO/906 (371 Formalities Notice)